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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,333	09/06/2000	Siegfried Kurtzer	A-2465	9099

7590 12/16/2003

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EXAMINER

YAN, REN LUO

ART UNIT PAPER NUMBER

2854

DATE MAILED: 12/16/2003

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20

Application Number: 09/656,333
Filing Date: September 06, 2000
Appellant(s): KURTZER, SIEGFRIED

Alfred K. Dessler
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10-6-2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejections of claims 1, 2, 8, 10 and 11 stand or fall together because appellant's brief includes a statement that this grouping of claims should stand or fall together.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

5,839,366	Schaede	11-1998
5,271,323	Munker	12-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaede(5,839,366). The patent to Schaede teaches the detailed structure of a sheet fed printing machine as claimed including an inherent drive unit for the printing machine, a first sheet transport cylinder 3 having a first sheet gripper 10 or 12 mounted thereon, and a second sheet transport cylinder 4 having a second sheet gripper 16 or 18 mounted thereon. The first and second sheet grippers execute cyclical movements having phases and are synchronized with the rotational movement of the cylinders 1, 2, 19 and 30 and driven, together with the rollers, by the drive unit. As shown in Fig. 2 of Schaede, on a path from a sheet surrender position to a sheet acceptance position, the first and second sheet grippers carry out cyclical movements in different phases such that when the first sheet gripper 12 on the first sheet transport cylinder 3 is moved into a raised position to take over a sheet from cylinder 29 and closes down, the second sheet gripper 16 on the second sheet transport cylinder 4 is moved from the closed position to a raised position to release a sheet to cylinder 30. The spring element assigned to each of the first and

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second sheet grippers are correspondingly stressed or relieved of stress based upon the raised or lowered positions of the sheet grippers. See Figs. 1-8 and column 3, line 41 through column 5, line 7 in Schaede for details. With respect to claim 8, Fig. 5 of Schaede shows that the two transport cylinders 39 and 40 with their respective grippers meet the length of path as recited. With respect to claim 10, the broadly recited pregripper reads on any of the grippers shown in Schaede.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaede in view of Munker(5,271,323). The patent to Schaede teaches all that is claimed except that the impression cylinder 2 uses suction strips 5 and 6 for holding the sheet being handled as opposed to use grippers. The patent to Munker teaches in a sheet fed printing machine the conventionality of providing the impression cylinder 6 with sheet grippers for handling the sheets. See Figs. 1-5 in Munker for example. In view of the teaching of Munker, it would have been obvious to those having ordinary skill in the art to provide the impression cylinder in the sheet fed printing machine of Schaede with sheet grippers appropriately disposed as taught by Munker in order to more reliably gripping and releasing the sheet being handled.

(11) Response to Argument

Appellant argued that the applied Schaede patent does not teach a second sheet transport cylinder having a position defined for accepting a sheet to be printed from the first sheet transport cylinder and a position defined for surrendering the printed sheet and, on a path from the surrender position to the acceptance position, the sheet grippers being actuatable for executing one of a movement stressing the spring element to open the gripper and a movement relieving the stress to close the gripper. This argument is not agreed to by the examiner. As a matter of fact, this is exactly what the sheet grippers of Schaede do. First of all, the second transport cylinder 4 of Schaede clearly has a position at the nip with impression cylinder 2 defined for accepting a sheet to be printed passed down from the first transport cylinder 3 and a position at the nip with cylinder 30 defined for surrendering the printed sheet. The sheet grippers 10, 12, 16 and 18 on the transport cylinders 3 and 4 of Schaede, on a path from the surrender position to the acceptance position, can only do one of the two things, raise to the opening position upon stressing the spring element and lower to the closed position upon relieving the stress to the spring element. This is exactly what the last paragraph of claim 1 requires, i.e. the sheet grippers are moveable either to an opening position or a closed position. Appellant stated on page 14, lines 18-21 of the brief that "the grippers of Schaede only do one thing on a path from a surrender position to an acceptance position, they are in their opening position upon stressing the spring element". This statement offered by the appellant is a clear validation of the position taken by the examiner that the grippers of Schaede, on a path from the sheet surrender position to the sheet acceptance position do one of the two things, i.e. raise to the opening position upon stressing the spring element and lower to the closed position upon relieving the stress to the

spring element. Since the grippers of Schaede do raise to the opening position upon stressing the spring element on a path from a surrender position to an acceptance position as apparent agreed to by the appellant, it is believed that the structure of the claimed invention has been met by the teaching of Schaede.

Appellant's argument that the second sheet gripper as claimed in claim 1 is closed "relieving the stress on a path from the surrender position to the acceptance position", in order to compensate a momentum of the gripper system 5 of the transport cylinder 3 and that the Schaede reference does not disclose any proposal for compensation of momentum is not persuasive. Contrary to appellant's contention, the present claims under appeal, as drafted, do not limit the claimed invention to one in which the second sheet gripper is closed relieving the stress on a path from the surrender position to the acceptance position in order to compensate a momentum of the gripper system 5 of the transport cylinder 3. Rather, the claims merely require that the second sheet gripper executes either a movement stressing the spring element assigned thereto or a movement relieving the stress. In that regard, the sheet grippers of Schaede raise to their opening position upon stressing the spring element on a path from a surrender position to an acceptance position as taught by Schaede satisfy the requirement.

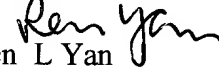
Appellant's argument in a paragraph bridging pages 15 and 16 of the brief is not understood. Appellant argued that claim 1 recites a movement stressing the spring element(open gripper) assigned thereto and a movement relieving the stress(closed gripper), and therefore, both movements occur on the path from the surrender position to the acceptance position, not just one or the other as indicated by the examiner. A reading of the last paragraph of claim 1 would reveal that only one movement is required of the first and second sheet grippers on a path from

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the surrender position to the acceptance position. As a matter of fact, the broad language of the last paragraph of claim 1 would even allow that the first and second sheet grippers execute the same movement, (both stressing the spring element or both relieving the stress) on a path from the surrender position to the acceptance position. This is further evidence that the broad recitations of claim 1 are anticipated by the teaching of Schaede.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Ren L Yan

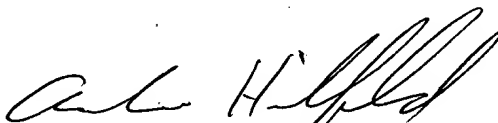
Primary Examiner

Art Unit 2854

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December 11, 2003

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